

REMARKS

Claims 18-29 are now presented for examination, of which Claims 18, 20, 22 and 24 are in independent form. Claims 18, 20, 22, 24 and 25 have been amended to define still more clearly what Applicant regards as his invention. Claims 26-29 have been added .

Favorable reconsideration is respectfully requested.

In the outstanding Office Action, Claims 18-25 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patents 7,081,969 (Motamed et al.) and 7,180,626 (Gassho et al.), taken in combination. For at least the following reasons, Applicant believes that the independent claims, and their dependent claims as well, as allowable over these two patents.

Independent Claim 18 is directed to an apparatus that, among other notable features, comprises a proxy processing unit which, when an error is detected in a first printer, moves a job stored in a first queue, provided for the first printer, to a second queue, provided for a second printer, so as to execute proxy printing. In addition, the proxy processing unit changes the moved job to have a higher priority than another job stored in the second queue, if the moved job has an earlier reception time than that other job. Support for this feature can be found, *inter alia*, in Figs. 3 and 7 and corresponding portions of the specification.^{1/}

Motamed relates to a system that uses proxy printing and that takes into account the priority of a print job. As noted by the Examiner, the *Motamed* system permits a user to take advantage of a setting that will cause the system to send a print job to a second printer if a printer that would otherwise perform the job is unavailable (col. 3, lines 35-42). Also, if the user has assigned a priority level (“fastest” or “background”) to the print job, then if the print job is

^{1/} It is of course to be understood that the claim scope is not limited by the details of this or any other particular embodiment that may be referred to.

added to the queue of a printer, and has the priority level of “fastest”, the job is placed ahead of other jobs already in the queue that do not also have the priority level “fastest” (col. 4, line 57, through col. 5, line 9). *Motamed* seems to contemplate that if the automatic rerouting feature is used, the unavailability of the printer (“first printer”) that would ordinarily receive a given print job results in the job being sent to another printer instead of being sent to the first printer, and, as noted in the Office Action, that patent does not appear to teach removing a job from the queue of one printer and being placed in the queue of a second printer in response to the occurrence of an error at the first printer after the job has been placed in the queue of the first printer.

Moreover, Applicant also notes that nothing has been found in *Motamed* that would teach or suggest that the priority level of a print job could be modified in the event of the print job being rerouted. In particular, nothing is seen in that patent that would teach or suggest that, if a print job is rerouted, the priority level of the print job is raised to be higher than that of a job already in the queue to which the job is added, when the moved job has an earlier reception time than does the job already in the queue, as is done by the proxy processing unit recited in Claim 18.

For both reasons, Applicant believes that Claim 18 is allowable over *Motamed* taken alone.

Gassho is cited in the Office Action as teaching the moving of a print job from the queue of a first printer to the queue of a second printer in response to detection of an error in the first printer. While Applicant agrees that the *Gassho* system does re-route a job from a first printer if that printer has over a certain number of jobs in its queue or if that printer is in an error state (col. 11), nothing has been found in that patent that would suggest that the re-routing

process includes modifying the priority level setting of the job that is switched from the queue of the first printer to the queue of another printer. *Gassho* contains a fairly lengthy discussion of the setting of priority level flags (see, e.g., col. 13), but does not appear to contemplate or even hint at modifying the priority level setting of a job when re-routing the job from a first printer's queue to a second printer's queue, as recited in Claim 18. Still less is anything in that patent believed to suggest the specific type of change performed by the proxy processing unit recited in Claim 18, i.e., raising the priority level setting of the re-routed print job if that job has an earlier reception time than does a job that is already present in the queue of the second printer.

Without conceding that the proposed combination of *Motamed* with *Gassho* is necessarily a proper one, therefore, Applicant submits that Claim 18 is allowable over any combination of those two patents.

Independent Claims 20, 22 and 24 are method, computer-readable medium and system claims, respectively, corresponding to apparatus Claim 18, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 18.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the

invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Leonard P Diana/
Leonard P. Diana
Attorney for Applicant
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200